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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,621	10/24/2003	Timothy Ray Locascio	104195-0009	1503
24267 7590 03/22/2007 CESARI AND MCKENNA, LLP 88 BLACK FALCON AVENUE BOSTON, MA 02210			EXAMINER GAUTHIER, GERALD	
			ART UNIT	PAPER NUMBER
			2614	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/22/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/693,621	Applicant(s) LOCASCIO ET AL.	
	Examiner Gerald Gauthier	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**  
***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 1<sup>st</sup> 2007 has been entered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claim(s) 1-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw (US 2004/0158618 A1) in view of Coffey (6,731,722 B2).

Regarding **claim(s) 1**, Shaw discloses a method of licensing and managing media resources in a telecommunications system including a converged services platform (paragraph 001), said method comprising the steps of:

creating a central pool storing resource points representing a license or authorization level of media resource service capability (paragraph 0040) [The HLR as a central point stored resources, which representing authorizations for subscriber to access services].

Shaw fails to disclose dynamically allocating portions of said central pool to one or more media resource cards.

However, Coffey teaches dynamically allocating portions of said central pool to one or more media resource cards, as needed to perform specific services for a customer (column 6, lines 35-53 and column 8, lines 6-16).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Shaw using the teaching of dynamic resource allocation process as taught by Coffey.

This modification of the invention enables the system to dynamically allocate portions of said central pool to one or more media resource cards so that the user would access the communications system based on its privileges.

Regarding **claim(s) 2, 20 and 22**, Shaw discloses a method, further comprising the step of: storing in said central pool default and/or additional licensed resource points represented by a converged services platform (paragraph 0040).

Regarding **claim(s) 3, 11 and 23**, Coffey teaches a method, wherein said allocating step allocates portions of said central pool to a particular media resource card for a specific media resource service (column 8, lines 6-16).

Regarding **claim(s) 4, 12 and 28**, Shaw discloses a method, further comprising the step of: providing redundancy in the event a media resource card becomes unavailable by allocating additional portions of said central pool to remaining available cards (paragraph 0027).

Regarding **claim(s) 5, 13 and 24**, Shaw discloses a method, further comprising the step of: designating a specified number of resource points required to perform each media resource service available (paragraph 0032).

Regarding **claim(s) 6, 14 and 25**, Shaw discloses a method, further comprising the step of: determining a number of resource points needed to perform an application by multiplying a number of required media resource services by their corresponding number of required resource points (paragraph 0032).

Regarding **claim(s) 7, 15 and 26**, Shaw discloses a method, further comprising the step of: licensing additional resource points to a customer in the event that said resource points needed to perform an application are greater than said default resource points available (paragraph 0032).

Regarding **claim(s) 8 and 27**, Shaw discloses a method, further comprising the step of: notifying said customer that a license for additional resource points is needed in that event (paragraph 0032).

Regarding **claim(s) 9 and 16**, Shaw discloses a method, wherein said media resource service is selected from the group consisting of tone generation, tone detection, and recording/playback of Voice recorded announcements (paragraph 0032).

Regarding **claim(s) 10**, Shaw discloses a converged services platform (paragraph 0001), comprising:

a central pool storing resource points representing a license or authorization level of media resource capability, said central pool for storing default and/or additional licensed resource points represented by said converged services platform (paragraph 0040) [The HLR as a central point stored resources, which representing authorizations for subscriber to access services].

Shaw fails to disclose dynamically allocating portions of said central pool to one or more media resource cards.

However, Coffey teaches one or more media resource cards for performing media resource services (column 6, lines 35-53 and column 8, lines 6-16); and

a processor for dynamically allocating portions of said central pool to one or more media resource cards, as needed to perform specific services for a customer (column 6, lines 35-53 and column 8, lines 6-16).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Shaw using the teaching of dynamic resource allocation process as taught by Coffey.

This modification of the invention enables the system to dynamically allocate portions of said central pool to one or more media resource cards so that the user would access the communications system based on its privileges.

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Regarding **claim(s) 17**, Shaw discloses a converged services platform, further comprising: cache memories programmed to cache voice recorded announcements and/or other announcements for playback (paragraph 0032).

Regarding **claim(s) 18**, Shaw discloses a converged services platform, further comprising: an associated tile server coupled with a network interface and said processor, said file server storing said voice recorded announcements and other announcements (paragraph 0032).

Regarding **claim(s) 19**, Shaw discloses a converged services platform (paragraph 0001), comprising:

means for creating a central pool storing resource points representing a license or authorization level of media resource service capability (paragraph 0040) [The HLR as a central point stored resources, which representing authorizations for subscriber to access services].

Shaw fails to disclose dynamically allocating portions of said central pool to one or more media resource cards.

However, Coffey teaches means for dynamically allocating portions of said central pool to one or more media resource cards, as needed to perform specific services for a customer (column 6, lines 35-53 and column 8, lines 6-16).



Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Shaw using the teaching of dynamic resource allocation process as taught by Coffey.

This modification of the invention enables the system to dynamically allocate portions of said central pool to one or more media resource cards so that the user would access the communications system based on its privileges.

Regarding **claim(s) 21**, Shaw discloses a method for managing available resources of a telecommunications system having one or more media resource cards (paragraph 0001), the method comprising:

storing available resource points representing media resource service capability of the telecommunications system(paragraph 0040) [The HLR as a central point stored resources, which representing authorizations for subscriber to access services].

Shaw fails to disclose dynamically allocating portions of said central pool to one or more media resource cards.

However, Coffey teaches dynamically allocating available resource points to the media resource cards in order to perform media resource services, as needed for a customer (column 6, lines 35-53 and column 8, lines 6-16).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Shaw using the teaching of dynamic resource allocation process as taught by Coffey.

This modification of the invention enables the system to dynamically allocate portions of said central pool to one or more media resource cards so that the user would access the communications system based on its privileges.

### ***Response to Arguments***

6. Applicant's arguments with respect to **claim(s) 1-28** have been considered but are moot in view of the new ground(s) of rejection.


### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Gerald Gauthier  
Primary Examiner  
Art Unit 2614

GG

March 12, 2007